

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Leonard R. Woods,

Case No.: 2:23-cv-00233-JAD-VCF

4 Petitioner

5 v.

Scheduling Order

6 Calvin Johnson, *et al.*,

7 Respondents

8 Leonard R. Woods, who is incarcerated at Nevada's High Desert State Prison, brings this
9 action to seek federal habeas relief from his 2019 state-court convictions. I have appointed
10 counsel for Woods,¹ and his appointed counsel has appeared,² as has respondents' counsel.³

11 **IT IS THEREFORE ORDERED that the following schedule will govern further**
12 **proceedings in this case:**

13 **Filing Fee.** Petitioner has until May 5, 2023, to pay the \$5 filing fee for this action or file
14 a new *in forma pauperis* application.

15 **Amended Petition.** Petitioner has until June 14, 2023, to file an amended petition for
16 writ of habeas corpus.

17 **Response to Amended Petition.** Respondents will have 90 days from the filing of an
18 amended petition to file an answer or other response to the amended petition.

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22 ¹ ECF No. 3

23 ² ECF Nos. 7, 8.

³ ECF No. 6.

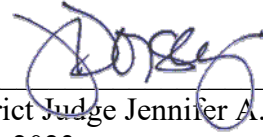
1 **Reply.** Petitioner will have 60 days following the filing of an answer to file a reply.
2 Respondents will have 30 days following the filing of a reply to file a response to the reply.

3 **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner will
4 have 60 days following that filing to file a response to the motion. Respondents will have 30
5 days to file a reply.

6 **Discovery.** If petitioner wishes to move for leave to conduct discovery, he must file such
7 a motion concurrently with, but separate from, the response to respondents' motion to dismiss or
8 the reply to respondents' answer. Any such motion filed before that time may be considered
9 premature and may be denied without prejudice on that basis. Respondents must file a response
10 to any such motion concurrently with, but separate from, their reply in support of their motion to
11 dismiss or their response to petitioner's reply. Petitioner will thereafter have 20 days to file a
12 reply in support of the motion for leave to conduct discovery.

13 **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, he must file
14 a motion for an evidentiary hearing concurrently with, but separate from, the response to
15 respondents' motion to dismiss or the reply to respondents' answer. Any such motion filed
16 before that time may be considered premature and may be denied without prejudice on that basis.
17 The motion for an evidentiary hearing must specifically address why an evidentiary hearing is
18 required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must state whether
19 an evidentiary hearing was held in state court, and, if so, state where the transcript is located in
20 the record. If petitioner files a motion for an evidentiary hearing, respondents must file a
21 response to that motion concurrently with, but separate from, their reply in support of their
22 motion to dismiss or their response to petitioner's reply. Thereafter, petitioner will have 20 days
23 to file a reply in support of the motion for an evidentiary hearing.

1 **IT IS FURTHER ORDERED** that Calvin Johnson is substituted for Brian Williams as
2 the respondent warden under Federal Rule of Civil Procedure 25(d). The Clerk of the Court is
3 directed to update the docket to reflect this change.

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U.S. District Judge Jennifer A. Dorsey
March 13, 2023